

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DANNY HODGE, JR.,)	
)	
Plaintiff,)	
)	
-vs-)	NO. CIV-24-0823-HE
)	
CASEY HAMILTON, et al.,)	
)	
Defendants.)	

ORDER

On March 28, 2025, United States Magistrate Judge Chris M. Stephens issued a Report and Recommendation [Doc. #13] addressing plaintiff’s complaint [Doc. #1] after initial screening. Magistrate Judge Stephens recommended dismissing the complaint in part with prejudice and in part without prejudice.

Magistrate Judge Stephens advised plaintiff of his right to object to the Report and Recommendation by April 18, 2025. To date, plaintiff has not filed any objection. Plaintiff therefore has waived the right to appellate review of the factual and legal issues addressed in the Report and Recommendation. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #13]. The complaint is **DISMISSED WITH PREJUDICE** as to:

- claims seeking monetary damages and retrospective injunctive relief against all defendants in their official capacities, as they are not “persons” under 42 U.S.C. § 1983; and

- claims for injunctive relief against defendants in their individual capacities because such relief is not available under § 1983.

The complaint is **DISMISSED WITHOUT PREJUDICE** as to:

- plaintiff's Eighth Amendment claim for failure to protect against Warden Casey Hamilton, Corrections Officer Day, and Case Manager Mitchell in their individual capacities seeking monetary damages and in their official capacities seeking prospective injunctive relief for failure to state a claim; and
- claims for failure to train, denied access to the courts, and retaliation against all defendants in their individual capacities seeking monetary damages for failure to state a claim.

The adoption of the Report and Recommendation results in the dismissal of all plaintiff's claims in the complaint except for his claim alleging failure to protect against Deputy Warden Bo Reynolds, Lieutenant Williamson, Corrections Officer Clark, and Case Manager Cox seeking (1) monetary damages in their individual capacities and (2) prospective injunctive relief in their official capacities, which claim remains pending before Judge Stephens per the prior referral.

IT IS SO ORDERED.

Dated this 29th day of April, 2025.



JOE HEATON
UNITED STATES DISTRICT JUDGE